



*Via ECF*

**September 27, 2022**

Hon. Robert B. Kugler  
United States District Court  
for the District of New Jersey  
U.S. Courthouse  
4<sup>th</sup> & Cooper Streets  
Camden, NJ 08101

Hon Thomas I Vanaskie (ret.), Special Master  
Stevens & Lee  
425 Biden St., Suite 300  
Scranton, PA 18503

Re: *In re Valsartan, Losartan, & Irbesartan Prods. Liab. Litig.*, 19-md-2875 (D.N.J.)

Dear Judges Kugler and Vanaskie:

We write in connection with the DEC's letter to the Court of September 23, 2022. That letter raises two issues as follows: (1) the applicability of CMO 29 to Defendants other than those participating in the TPP bellwether trial; and, (2) the selection of the specific assignors of MSPRC whose claims are to be the subject of that first trial. Disappointed as we are that the Defendants have raised these issues when the parties are continuing to meet and confer, we address these issues below.

Plaintiffs are not, contrary to what the Defendants have stated in their letter, categorically opposed to staggering the applicability of CMO 29 to Defendants and claims not implicated in the first TPP trial. Plaintiffs are prepared to propose a "middle ground" proposition that continues to advance the progress of the MDL but is sensitive to the fact that the first TPP trial will involve ZHP, Teva and Torrent, and not other Defendants. We are hopeful that we can reach agreement on this issue by the time of our in-person conference on October 6th.

As to the specific assignments of MSPRC that we propose to try following the Court's ruling on class certification, we have already indicated to the Defendants that it will be either Emblem or Summacare, from whom substantial discovery has already been obtained. Between now and October 6th we will meet and confer with Defendants and select a specific assignor and applicable states for the bellwether TPP trial, subject, of course, to the Court's approval.

We look forward to appearing in Court on October 6, 2022 and anticipate having resolution of these issues by that time.

Respectfully,



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cc: all counsel (via ECF)